

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. \_\_\_\_\_  
v. : DATE FILED: \_\_\_\_\_  
STEVEN CARNIVALE : VIOLATIONS:  
21 U.S.C. § 846 (Drug Conspiracy -  
1 Count); 18 U.S.C. § 1962(d)  
(Racketeering Conspiracy -1 Count)  
(Notice of Prior Conviction)

**INFORMATION**

**COUNT ONE**  
**(DRUG CONSPIRACY)**

**THE UNITED STATES ATTORNEY CHARGES:**

From in or about 1994, and continuing up to on or about December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

STEVEN CARNIVALE

conspired and agreed with others, known and unknown to the United States Attorney, to knowingly and intentionally distribute in excess of five kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and in excess of one thousand kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, U.S.C. §§ 841(a)(1) and 841(b)(1)(A) .

**MANNER AND MEANS**

1. It was part of the conspiracy that the defendant STEVEN CARNIVALE and

other conspirators, known and unknown to the United States Attorney, distributed multiple kilograms of cocaine and marijuana for profit.

2. It was further part of the conspiracy that the defendant STEVEN CARNIVALE and other conspirators, known and unknown to the United States Attorney, received cocaine and marijuana that was purchased from multiple sources, including suppliers from Pennsylvania and California.

3. It was further part of the conspiracy that the defendant STEVEN CARNIVALE and other conspirators, known and unknown to the United States Attorney, used and planned to use various methods including but not limited to, automobiles, Federal Express services, a North American Van Lines tractor trailer truck, and a rental airplane, to deliver cocaine and marijuana to locations in the Eastern District of Pennsylvania.

4. It was further part of the conspiracy that the defendant STEVEN CARNIVALE and other conspirators known and unknown to the United States Attorney, resold cocaine and marijuana to various customers in the Eastern District of Pennsylvania, New Jersey and elsewhere.

### **OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were committed by the defendant in the Eastern District of Pennsylvania and elsewhere:

1. In or about the Summer of 1997, defendant STEVEN CARNIVALE, began purchasing quantities of marijuana from Fernando Cintron and his organization for redistribution in Philadelphia, in the Eastern District of Pennsylvania and elsewhere.

2. Shortly after defendant STEVEN CARNIVALE began purchasing quantities of marijuana he also began purchasing quantities of cocaine from Fernando Cintron and his organization for redistribution in Philadelphia, in the Eastern District of Pennsylvania and elsewhere.

3. On or about October 8, 2002, in the Eastern District of Pennsylvania, defendant STEVEN CARNIVALE distributed approximately 356 grams of cocaine to a person known to the United States Attorney.

4. On or about October 10, 2002, in the Eastern District of Pennsylvania, defendant STEVEN CARNIVALE distributed approximately 66 grams of cocaine to a person known to the United States Attorney.

5. On or about October 28, 2002, defendant STEVEN CARNIVALE caused approximately 2.9 kilograms of cocaine to be sent by Federal Express from California to a location in the Eastern District of Pennsylvania.

6. On or about November 16, 2002, defendant STEVEN CARNIVALE and a person known to the United States Attorney discussed by telephone the seizure on or about October 29, 2002, by law enforcement of the shipment of cocaine sent by Federal Express from California and how to prevent the seizure of future shipments of cocaine from California to the Eastern District of Pennsylvania.

7. On or about November 19, 2002, defendant STEVEN CARNIVALE and a person known to the United States Attorney discussed by telephone the rental of an airplane to transport kilogram quantities of cocaine to the Eastern District of Pennsylvania for a price of approximately \$22,500 per kilogram of cocaine.

8. On or about December 7, 2002, defendant STEVEN CARNIVALE and a person known to the United States Attorney discussed by telephone a pending shipment of cocaine in excess of five kilograms from California to the Eastern District of Pennsylvania and payment for the shipment of cocaine after it was received in the Eastern District of Pennsylvania .

9. On or about December 8, 2002, defendant STEVEN CARNIVALE and other conspirators known to the United States Attorney met in the Eastern District of Pennsylvania to finalize the arrangements for the delivery of more than five kilograms of cocaine.

10. On or about December 8, 2002, defendant STEVEN CARNIVALE and other conspirators known and unknown to the United States Attorney caused the delivery to the Eastern District of Pennsylvania of approximately ten kilograms of cocaine and forty-seven pounds of marijuana.

All in violation of Title 21, United States Code, Section 846.

## **COUNT TWO**

### **(RACKETEERING CONSPIRACY)**

#### **THE UNITED STATES ATTORNEY FURTHER CHARGES:**

#### **INTRODUCTION**

##### **The Enterprise**

1. During the period from approximately the Summer, 2000, and continuing up to on or about December 8, 2002, defendant

STEVEN CARNIVALE

and other persons known and unknown to the United States Attorney, were members of, and were associated with, an Enterprise as defined in Title 18, United States Code, Section 1961(4), namely, a group of individuals associated in fact, although not a legal entity, which Enterprise was engaged in, and the activities of which, affected interstate and foreign commerce. This Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

##### **Structure Of The Enterprise**

2. The Enterprise was known variously as “La Cosa Nostra,” “the LCN,” “the Mafia,” “the mob”, and “the Philadelphia La Cosa Nostra family.” The Philadelphia La Cosa Nostra (“LCN”) family was one of a number of La Cosa Nostra families based in a number of cities throughout the United States. The Philadelphia LCN family has been in substantially continuous operation for a number of decades. Among other methods, the Enterprise was perpetuated by a requirement of secrecy and by limiting the knowledge and activities of those associated with it. At all times relevant to the Information the Enterprise had a structure and

chain-of-command, as described below.

3. The Enterprise was headed by a boss and had a second-in-command or "underboss," also referred to as the "under." The Enterprise had an advisor known as a consigliere, also referred to as a "consig." Below the boss and underboss the Enterprise had leaders known as caporegimes, also referred to as "capos," "capi," "captains" and "skippers." Beneath the capos the Enterprise had "soldiers" who worked under the direction of the Enterprise's leaders described above.

a. The boss, underboss, consigliere, caporegimes and soldiers at various times were initiated as "members" of the Enterprise at a "making" ceremony. These persons were referred to as "made" members of the Enterprise.

4. In addition to the "made" members of the Enterprise described above, the Enterprise also had associates who worked for the Enterprise in carrying out its illegal activities under the direction of the "made" members. Both the "made" members and the associates conducted and participated in the conduct of the Enterprise's affairs through a pattern of racketeering activity and through the collection of unlawful debts, and conspired to do so.

5. During the period covered by Count Two of this Information, "associates" of the Enterprise included defendant STEVEN CARNIVALE, as well as others known and unknown to the United States Attorney.

#### **Purpose Of The Enterprise**

6. At all times relevant to this Information, the purpose of the Enterprise referred to above, was to control, manage, finance, supervise, participate in and set policy concerning the making of money for the Enterprise through illegal means.

### **Manner And Means Of The Enterprise**

7. Among the manner and means whereby defendant STEVEN CARNIVALE and his coconspirators conducted and participated in the conduct of the affairs of the Enterprise were the following:

a. To perpetuate the Enterprise the defendant STEVEN CARNIVALE and coconspirators would and did attempt to conceal from law enforcement authorities the existence of the Enterprise, the identity of its members and associates, the ways in which it conducted its affairs, and the decisions and orders given by the leaders to others working for the Enterprise.

b. Through the use of force and violence, threats of force and exploitation of its decades-long violent reputation, the Enterprise, that is, the Philadelphia LCN family, asserted and attempted to assert primacy over the criminal underworld in general and criminal businesses in particular within the geographical area under its control. Thus, defendant STEVEN CARNIVALE and his coconspirators claimed the right on behalf of the Enterprise to impose a "street tax" on other criminal organizations, the right to partnership shares in other criminal business' profits, the right to take over other criminal businesses outright, and the power to prohibit individual criminals and criminal organizations from competing in areas of criminal endeavor.

c. To generate income for the Enterprise, the defendant STEVEN CARNIVALE and coconspirators would and did engage in money making criminal activities, including:

i. the distribution of controlled substances, including cocaine and marijuana;

- ii. the extortion of money and other things of value from persons who were involved in criminal activity, including:
    - a. outright demands for money; and
    - b. the extortion of edge work and layoff bets from illegal bookmakers as a condition of being allowed to stay in the sports bookmaking business without incurring business interference through physical violence;
  - iii. the operation of illegal gambling businesses involving sports bookmaking and gambling machines; and
  - iv. the making of unlawful loans and extensions of credit, the financing of unlawful loans and extensions of credit, and the collection thereof using the Enterprise's violent reputation to force victims to repay loans and to pay interest at usurious rates.
- d. To compensate the leadership of the Enterprise, the defendant STEVEN CARNIVALE and his coconspirators would and did distribute part of the income from their illegal activities to the leadership of the Enterprise.

### **The Racketeering Conspiracy**

8. From in or about the Summer of 2000, and continuing to on or about December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

STEVEN CARNIVALE

and others known and unknown to the United States Attorney, being persons employed by and associated with the Enterprise, as defined by Title 18, United States Code, Section 1961(4), and



as set forth above in paragraphs 1 to 7 of Count Two of this Information, did unlawfully and knowingly, conspire and agree together with each other, and with other coconspirators known and unknown to the United States Attorney, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), and through the collection of unlawful debts as defined in Title 18, United States Code, Section 1961(6), in violation of Title 18, United States Code, Section 1962(c), as set forth below.

**A. PATTERN OF RACKETEERING**

9. The pattern of racketeering activity consisted of multiple acts:

(a) involving:

- (1) extortion and conspiracy to commit extortion in violation of the laws of the Commonwealth of Pennsylvania, Title 18, Pennsylvania Consolidated Statutes Annotated, Sections 3923(a)(1), 3923(a)(7) and 903;
- (2) conspiracy to commit murder in violation of the laws of the Commonwealth of Pennsylvania, Title 18, Pennsylvania Consolidated Statutes Annotated, Sections 903 and 2502;
- (3) possession of gambling devices and bookmaking in violation of the laws of the Commonwealth of Pennsylvania, Title 18, Pennsylvania Consolidated Statutes Annotated, Sections 5513 and 5514; and

- (4) illegal gambling in violation of the laws of the State of New Jersey, New Jersey Statutes Annotated, 2C:37-2; and
- (b) indictable under the following laws of the United States of America:
  - (1) extortion and conspiracy to commit extortion in violation of Title 18, United States Code, Section 1951;
  - (2) extortionate extensions of credit, financing extortionate extensions of credit, and collection of extensions of credit through extortionate means and conspiracy in violation of Title 18, United States Code, Sections 892, 893 and 894;
  - (3) conspiracy to distribute controlled substances in violation Title 21, United States Code, Section 846;
  - (4) distributions of controlled substances, including cocaine and marijuana in violation Title 21, United States Code, Section 841);
  - (5) obstruction of justice in violation of Title 18, United States Code, Sections 1512(b)(2) and (3); and
  - (6) illegal gambling in violation Title 18, United States Code, Sections 1955 and 1084 .

10. It was a further part of the conspiracy that the defendant STEVEN CARNIVALE agreed that at least one conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

**Manner And Means**

11. Among the manner and means by which defendant STEVEN CARNIVALE, and

others and unknown to the United States Attorney, participated in the affairs of the Enterprise through a pattern of racketeering activity, and accomplished and attempted to accomplish the objectives of the conspiracy, were the following:

**Conspiracy to Extort Street Tax and Protection Money**

12. From in and around the Spring of 2002, and continuing up to and including on or about December 8, 2002, defendant STEVEN CARNIVALE conspired with other persons known and unknown to the United States Attorney to obtain and withhold property of others, with consent, which consent had been induced through the wrongful use of actual or threatened force, violence, and fear, in violation of Title 18, United States Code, Section 1951 and by threatening to commit other criminal offenses and to inflict economic harm, in violation of Title 18, Pennsylvania Consolidated Statutes Annotated, Sections 3923(a)(1), 3923(a)(7) and 903.

(a) It was further part of the conspiracy that defendant STEVEN CARNIVALE and his coconspirators would and did extort bookmakers, operators of gambling devices, and individuals conducting criminal activity in the Philadelphia area by demanding, through threats and intimidation, a “street tax,” “tribute payment,” or, at times, a partnership in return for permission to continue to conduct criminal activity.

(b) It was further part of the conspiracy that defendant STEVEN CARNIVALE and his coconspirators would and did extort sports bookmaking and numbers operators by forcing them to turn “edge work” in, or “lay-off” to, Enterprise-controlled bookmaking offices, thereby forcing them to do business with the Enterprise.

(c) It was further part of the conspiracy that defendant STEVEN CARNIVALE and his coconspirators cultivated a violent image and reputation for the Enterprise

and for themselves as members of the Enterprise in order to discourage resistance to their extortionate demands and exploited the Enterprise's image and reputation in conducting these extortions.

**Conspiracy to Commit Murder**

13. From in or about August, 2002 and continuing up to and including December, 2002, in the Eastern District of Pennsylvania, defendant STEVEN CARNIVALE did unlawfully and feloniously agree with persons, known and unknown to the United States Attorney, to murder D.P., a person known to the United States Attorney, because D.P. had failed to meet the extortionate demands of the members of the Enterprise. During the period of the conspiracy, STEVEN CARNIVALE and others known to the United States Attorney, made efforts to ambush D.P., including scouting for ambush locations in the vicinity of D.P.'s residence, in violation of Title 18, Pennsylvania Consolidated Statutes Annotated, Sections 903 and 2502.

**Conspiracy, Extortionate Credit Transactions, Financing of Extortionate Credit Transactions, Collections of Extension of Credit by Extortionate Means**

14. From in or about the Spring of 2002, up to and including on or about December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant STEVEN CARNIVALE conspired with other coconspirators, known and unknown to the United States Attorney, to use extortionate means to collect and attempt to collect extensions of credit made to various individuals by members of the Enterprise, by threatening the debtors, directly and indirectly, with physical violence if the debts were not repaid and to punish debtors for the nonpayment of debts, in violation of Title 18, United States Code, Section 894(a)(1).

### **Conspiracy to Distribute Cocaine and Marijuana**

15. From in or about the Spring of 2002, and continuing up to on or about December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

STEVEN CARNIVALE

conspired and agreed with others, known and unknown to the United States Attorney, to knowingly and intentionally distribute in excess of twenty (20) kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and in excess of twenty-five (25) kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846.

### **Obstruction of Justice**

16. From in March, 2002 through in or about October, 2002, in the Eastern District of Pennsylvania, STEVEN CARNIVALE together with other persons, known and unknown to the United States Attorney, did intimidate and attempt to intimidate another person with the intent to hinder, delay and prevent the communication of information to a law enforcement officer or judge of the United States relating to the commission or possible commission of a Federal offense in the Eastern District of Pennsylvania. In violation of Title 18, United States Code, Sections 1512(b)(3).

### **Illegal Gambling Devices**

17. From in or about the Summer of 2002, until on or about December 8, 2002 in the Eastern District of Pennsylvania and elsewhere, STEVEN CARNIVALE, together with persons known and unknown to the United States Attorney, did intentionally or knowingly set up

and maintain a device used for gambling purposes in violation of Pa. C.S.A. § 5513.

**Bookmaking**

18. From in or about the Summer of 2000 through in or about December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant STEVEN CARNIVALE with various other persons, known and unknown to the United States Attorney, did unlawfully and knowingly conduct, finance, manage, supervise, direct, and own all or part of an illegal gambling business as that term is defined in Title 18, United States Code, Section 1955(b), to wit: sports bookmaking, in violation of the laws of the Commonwealth of Pennsylvania [Title 18, Pennsylvania Consolidated Statutes, Section 5514] and promoting gambling in violation of the laws of the State of New Jersey [New Jersey Statutes Annotated, 2C:37-2] in which said illegal gambling business was conducted and which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of said business and which business remained in substantially continuous operation for a period in excess of thirty days and which business had gross revenue in excess of \$2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

**B. THE COLLECTION OF UNLAWFUL DEBTS**

19. It was further part of the conspiracy that defendant STEVEN CARNIVALE agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise, which was engaged in and the activities of which affected interstate and foreign commerce, through the collection of unlawful debts, as defined in Title 18, United States Code, Section 1961(6), that is, the collection of debts which were incurred and contracted in gambling activity which was in violation of the law of the Commonwealth of Pennsylvania [Title 18,

Pennsylvania Consolidated Statutes, Section 5513 and 5514] and the State of New Jersey [New Jersey Statutes Annotated, 2C:37-2] and which were incurred in connection with the business of gambling in violation of the laws of the Commonwealth of Pennsylvania and the State of New Jersey.

20. It was further part of the conspiracy that defendant STEVEN CARNIVALE agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise, which was engaged in and the activities of which affected interstate and foreign commerce, through the collection of unlawful debts, as defined in Title 18, United States Code, Section 1961(6), that is, the collection of debts which were incurred in connection with the business of lending money or a thing of value at a rate usurious under Federal law, where the usurious rate is at least twice the enforceable rate.

All in violation of Title 18, United States Code, Section 1962(d).

**NOTICE OF PRIOR CONVICTION**

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

Defendant STEVEN CARNIVALE committed the offense charged in Count One of this Information after having been convicted of the following felony drug offense:

January 6, 1998 – Possession of a controlled substance – Court of Common Pleas,  
Bucks County, Pennsylvania, Case No. 5812-97

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PATRICK L. MEEHAN  
United States Attorney  
Eastern District of Pennsylvania

Date: \_\_\_\_\_